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Special Report: Investors profit by funding surgery for desperate women patients



Traci Rizzo, who had an operation to remove pelvic implants, poses for a photograph at her home in Gulf Shores, Alabama July 17, 2015. REUTERS/Michael Spooneybarger

By Alison Frankel and Jessica Dye | NEW YORK

In July 2013, California urogynecologist Andrew Cassidenti received an email from an entrepreneur named Otto Fisher, who had a proposition. Fisher was looking for surgeons to perform operations to remove pelvic mesh implants from women.

Intrigued, Cassidenti responded. In a phone call, Fisher said he needed doctors to operate at outpatient centers in California and Las Vegas. Fisher said he could guarantee Cassidenti \$2,500 for every surgery the doctor performed, “whether it took five minutes or two hours,” or even if the doctor did not remove any mesh, according to the surgeon’s sworn court statement recounting the conversation.

Cassidenti said the conversation made him suspicious. During the call, Fisher referred to litigation that is pitting tens of thousands of women against the makers of pelvic mesh.

The devices, mostly made of plastic and varying in size and shape, have been surgically inserted into millions of women to treat urinary incontinence and other disorders. They are the target of about 100,000 suits in state and federal courts – the biggest onslaught of personal injury litigation since the asbestos battles of the 1970s, 1980s and 1990s.

Fisher, the surgeon said, claimed that the federal judge overseeing the cases “needs to see key phrases in the operative report,” like “defective mesh” and “mesh erosions.” Cassidenti asked if Fisher was trying to dictate what he should write about his patients.

“No,” Fisher told him. “But it’s just a game, and we have to play the game.”

THE RISE OF A NEW INDUSTRY

Fisher denies making those statements. Cassidenti told Reuters he stands by his affidavit.

Unbeknownst to Fisher at the time of the call, Cassidenti was a consultant to device maker American Medical Systems. And AMS, along with device giants Johnson & Johnson, Boston Scientific and C.R. Bard, was one of the biggest defendants in the mesh cases.

Cassidenti suspected he had stumbled onto a scheme to recruit doctors willing to overstate women’s injuries from implants, thereby driving up awards in cases against mesh makers. He alerted AMS, which persuaded a judge to give it the power to subpoena documents and obtain testimony in an investigation of Fisher and the surgical lending company he was working with, MedStar Funding. The other major mesh makers launched probes, too.

Previously undisclosed deposition transcripts from these investigations and Reuters interviews with mesh patients have provided rare details about a little-known business: investing in surgeries for injured plaintiffs. It’s a practice that has become deeply entangled with medical device litigation.

EDITOR'S PICK

Medical funders, often working through go-betweens like Fisher or doctors’ billing services, purchase medical bills at a deep discount from physicians, hospitals and others who have provided care to patients involved in personal injury litigation. Some medical funders also provide “concierge care” to these patients, fronting them travel and expense money at a high rate of interest.



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